

REMARKS

Applicant acknowledges receipt of the Office Action dated February 15, 2006. In that action, the Examiner: (1) rejected claims 1-38 and 40-43 under 35 U.S.C. 112; (2) rejected claims 1-4, 6-8, 10, 12, 27 and 30 under 35 U.S.C. 102(b); (3) rejected claims 32, 35-38, 41, 42 and 47 under 35 U.S.C. 102(b); (4) rejected claims 5, 9 and 11 under 35 U.S.C. 103(a); and (5) rejected claims 32 and 34 under 35 U.S.C. 102(e).

Claims 1-38 and 40-43

The Examiner rejected claims 1-38 and 40-43 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. In amended independent claims 1 and 32, the phrase objected to by the Examiner, "substantially maintained," has been deleted. Applicants respectfully submit that the rejection of claims 1-38 and 40-43 under 35 U.S.C. 112 should be withdrawn in view of the amended claims.

Claims 1-4, 6-8, 10, 12, 27 and 30

The Examiner rejected claims 1-4, 6-8, 10, 12, 27 and 30 as being anticipated by *Creek* (U S Patent No. 2,958,362). Applicants amend claim 1 to include " a first member comprising a first member body and a first deforming portion, the first deforming portion extending in a first direction between a first deforming end and a second deforming end" and "the deformable material strip is being curved in a first plane defined by the first direction and the second direction and without the deformable material strip being curved in a second plane orthogonal to the first plane and parallel to the second direction."

With reference to Figure 5 of *Creek*, the direction corresponding to the first direction defined in amended claim 1 is, for example, from the left end of die member 19 to the right end of die member 19, while the direction corresponding to the second direction as defined in amended claim 1 extends into the page of Figure 5. *Creek* does not disclose curving of the work piece 31 in a plane defined by the first direction and the second direction and without the deformable material strip being curved in a second plane orthogonal to the first plane and parallel to the second direction. Rather, the curving of portions of the work piece 31 in *Creek* is only in the plane of the page of Figure 5. This includes both the curving to achieve an arc in the material strip 31, as well as the curving of the edge portions of the material strip 31.

Therefore, Applicants respectfully submit that amended claim 1 is now allowable over the cited art, as are the dependent claims referenced above.

Claims 5, 9 and 11

The Examiner rejected claims 5, 9 and 11 under 35 U.S.C. 103(a) as being unpatentable over *Creek*. These claims depend from claim 1, which has been shown to be allowable over *Creek*. Thus, Applicants respectfully submit that claims 5, 9 and 11 are allowable as depending from a now allowable independent claim.

Claims 32, 35-38, 41, 42 and 47

The Examiner rejected claims 32, 35-38, 41, 42 and 47 under 35 U.S.C. 102(b) as being anticipated by *Mainiero* (U.S. Patent No. 4,833,904). Applicants amend claims 32 and 47 to include "the two deforming members being movable relative toward each other to a first relative position to deform a deformable material strip and being movable relatively away from each other to a second relative position" and "deforming the portion of the deformable material strip at said deforming position by moving the two deforming members to the first relative position; moving the two deforming members to the second relative position and forwarding the portion of the deformable material strip out from the deforming position in a second direction."

Applicants respectfully submit that *Mainiero* does not disclose the aforementioned features. The *Mainiero* disclosure is limited to a method of utilizing a roll former to create a circular barbed wire tape, and, thus, cannot and does not teach the elements of amended claims 32 and 47. Therefore, Applicants respectfully submit that amended independent claims 32 and 47 are now allowable over the cited art, as are the dependent claims referenced above.

Claims 32 and 34

The Examiner rejected claims 32 and 34 under 35 U.S.C. 102(e) as being anticipated by *Issagholian-Havai* (U.S. Patent No. 6,643,930). Claim 32 has been amended as stated above. Applicants respectfully submit that *Issagholian-Havai* fails to disclose at least these features of amended claim 32. In particular, *Issagholian-Havai* is lacking elements of amended claim 32 because its disclosure is limited to utilizing roll formers to produce an end flange member for a cylindrical duct. Therefore, Applicants respectfully submit that amended independent claim 32 is now allowable over the cited art, as is claim 34 which depends therefrom.

Claims 44-46 and 48

Applicants wish to thank the Examiner for the allowance of claims 44-46 and 48.

Applicants respectfully request reconsideration and allowance of the pending claims and a timely Notice of Allowance be issued in this case. If the Examiner feels that a telephone conference would expedite the resolution of this case, he is respectfully requested to contact the undersigned.

In the course of the foregoing discussions, Applicants may have at times referred to claim limitations in shorthand fashion, or may have focused on a particular claim element. This discussion should not be interpreted to mean that the other limitations can be ignored or dismissed. The claims must be viewed as a whole, and each limitation of the claims must be considered when determining the patentability of the claims. Moreover, it should be understood that there may be other distinctions between the claims and the prior art which have yet to be raised, but which may be raised in the future.

It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.36(a), and any fees required are hereby charged to Conley Rose, P.C.'s Deposit Account Number 03-2769/2060-02200.

Respectfully submitted,



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